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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,628	03/15/2002	Berthier Lemieux	324-010890-US(PAR)	2239
2512	7590	10/22/2004	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			NGUYEN, DUC MINH	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/099,628	Applicant(s) LEMIEUX ET AL.	
	Examiner Duc Nguyen	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7, 16-18, 22 is/are allowed.
- 6) ☒ Claim(s) 8, 10-13, 19-21 and 23 is/are rejected.
- 7) ☒ Claim(s) 9, 14 and 15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 8, 10-13, 19-21, 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Scrikawa et al (6,028,845).

Consider claims 8, 10-11, 19-20. Scrikawa teaches a method for determining the performance of the decoding in a telecommunication system comprising a decoder (fig. 10, terminal equipment 12) and a testing apparatus (fig. 10, TDMA equipment 11) for supplying test data (fig. 10, pattern generating means 71) to the decoder, comprising generating test data comprising signaling data in a signaling frame format (col. 9, ln. 34-44), transmitting the test data mapped into two consecutive frames from the testing apparatus to the decoder for decoding (col. 9, ln. 34-44), receiving the test data one frame at a time, extracting the test data from the received test data frames in the decoder (col. 10, ln. 11-33), transmitting the test data frames back to the testing apparatus (col. 9, ln. 44-50), and determining the performance of decoding by comparing the transmitted signaling data and the received signaling data in the test apparatus (see the entire abstract; col. 9, ln. 5-34).

Consider claims 12-13, 21. Scrikawa further teaches the loop back instruction (col. 19, ln. 3-18).

Consider claim 23. Scrikawa teaches a method for determining the performance of the decoding in a telecommunication system comprising a decoder (fig. 10, terminal equipment 12) and a testing apparatus (fig. 10, TDMA equipment 11) for supplying test data (fig. 10, pattern generating means 71) to the decoder, comprising generating test data comprising signaling data in a signaling frame format (col. 9, ln. 34-44), transmitting the test data mapped into two consecutive frames from the testing apparatus to the decoder for decoding (col. 9, ln. 34-44), receiving the test data one frame at a time, extracting the test data from the received test data frames in the decoder (col. 10, ln. 11-33), transmitting the test data frames back to the testing apparatus (col. 9, ln. 44-50), and determining the performance of decoding by comparing the transmitted signaling data and the received signaling data in the test apparatus (see the entire abstract; col. 9, ln. 5-34). Serikawa further suggests the use of RF links (col. 10, ln. 63-65, fig. 6) and mobile and base station (fig. 9, col. 8, ln. 11-39).

Allowable Subject Matter

3. Claims 9, 14-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 1-7, 16-18, 22 are allowed over the prior art of record.


Conclusion

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is 703-308-7527. The examiner can normally be reached on 7:00AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Duc Nguyen
Primary Examiner
Art Unit 2643

10/18/2004